



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 105591 & 105594
28 November 2018

MUCKROCK
DEPT MR 63661 & 63660
411A HIGHLAND AVE
SOMERVILLE, MA 02144-2516

Dear Jurre Van Bergen:

This letter is in responds to your two Freedom of Information Act (FOIA) requests of 10 November 2018, which was received by this office on 13 November 2018, for the following:

105591 – “I hereby request the document or documents - often called memorandum of understanding (MOU) or memorandum of agreement (MOA) that outline the current relationship between the National Security Agency and "Philips Crypto", and/or "Philips USFA", and/or "NV Philips Gloeilampenfabrieken", and/or Philips. Please include any processing notes made in completing this request.”

105594 – “I hereby request the document or documents - often called memorandum of understanding (MOU) or memorandum of agreement (MOA) that outline the current relationship between the National Security Agency and Fox-IT and/or Fox-IT crypto and/or Fox-IT high assurance. Please include any processing notes made in completing this request.”

Your requests have been assigned the Case Numbers as noted above. Please refer to these numbers when contacting us about your requests. There are no assessable fees for these requests; therefore, we did not address your fee category.

Your requests has been reviewed by this Agency as required by the FOIA, and is being fully denied in accordance with Executive Order 13526, as set forth in Subparagraphs (e) and (g) of Section 1.4. This request is denied because disclosure could reasonably be expected to cause damage (at minimum) to the national security, per Executive Order 13526, Section 1.2. Any responsive material that may exist would be deemed currently and properly protected; therefore, exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. Accordingly, your request is also denied pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 3605). No portion of any responsive material is reasonably segregable.

Please be advised that due to security concerns, this is our standard response to all requests where we reasonably believe acquisition records are being sought on a contract or contract related activity.

You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below. NSA will endeavor to respond within 20 working days of receiving any appeal, absent any unusual circumstances.

- The appeal must be sent via U.S. postal mail, fax or electronic delivery (e-mail) and addressed to:

NSA FOIA/PA Appeal Authority (P132)
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

The facsimile number is (443)479-3612

The appropriate email address to submit an appeal is
FOIARSC@nsa.gov

- It must be postmarked or delivered electronically no later than 90 calendar days from the date of this letter. Decisions appealed after 90 days will not be addressed.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of requested information was unwarranted.

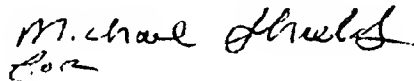
You may also contact our FOIA Public Liaison at foialo@nsa.gov for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Rd- OGIS

College Park, MD 20740
ogis@nara.gov
877/684-6448
(Fax) 202/741-5769

Finally, regarding your requests for "...any processing notes made in completing this request," please be advised that the FOIA only requires that this Agency search for records that already exist at the time the search is conducted. Since no administrative records, or notes, existed for this case when it was received, we are not obligated to fulfill this portion of your request. However, if you wish to submit a FOIA request for administrative records, you may do so after this request has been closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Shields".

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority